

AMENDED IN SENATE JULY 16, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 142

Introduced by Assembly Member Bigelow
(Principal coauthor: Senator Berryhill)

January 12, 2015

An act to amend Section 5093.56 of, and to add Sections 5093.548 and 5093.549 to, the Public Resources Code, relating to wild and scenic rivers.

LEGISLATIVE COUNSEL'S DIGEST

AB 142, as amended, Bigelow. Wild and scenic rivers: Mokelumne River.

(1) Existing law, the California Wild and Scenic Rivers Act, provides for a system of classification of those rivers or segments of rivers in the state that are designated as wild, scenic, or recreational rivers, for purposes of preserving the highest and most beneficial use of those rivers. The act requires the Secretary of the Natural Resources Agency to study and submit to the Governor and the Legislature a report that analyzes the suitability or unsuitability for addition to the system of rivers or segments of rivers that are designated by the Legislature as potential additions to the system, and requires that each report contain specified information and recommendations with respect to the proposed designation.

This bill would require the secretary, in a report analyzing the suitability or unsuitability of a proposed designation of the Mokelumne River, its tributaries, or portions thereof as additions to the system, to

consider the potential effects of the proposed designation on future water requirements, as specified, and the effects of climate change on river values and *current and projected water supply, supplies*, and to consider other factors. The bill would include any portion of the Mokelumne River designated for potential addition within certain protections afforded to wild and scenic rivers ~~during~~ *until the completion of the study period and the implementation of any recommendation to add the portion of the Mokelumne River to the system, or December 31, 2021, whichever occurs first.*

The bill would also designate a specified portion of the Mokelumne River, or any ~~segments~~ *segment* of that portion, for potential addition to the system. The bill would require the secretary to submit a report pursuant to the above-described requirements to the Legislature and Governor no later than December 31, ~~2016~~ *2017*, and would require the report to include a clear recommendation ~~whether the Legislature should enact legislation to add the portion of the Mokelumne River, or any segments of that portion, to the system.~~ *on the suitability or nonsuitability for addition to the system of the designated portion of the Mokelumne River or any segment of that portion.*

(2) The bill would declare that due to the unique geographical features of the Mokelumne River and its tributaries, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *It is the intent of the Legislature that the entities*
2 *responsible for the Mokelumne Watershed Interregional*
3 *Sustainability Evaluation Program may seek state funding for*
4 *which the feasibility studies and assessments described in*
5 *paragraph (3) of subdivision (a) of Section 5093.548 of the Public*
6 *Resources Code are eligible.*

7 ~~SECTION 1.~~

8 SEC. 2. Section 5093.548 is added to the Public Resources
9 Code, to read:

10 5093.548. (a) Notwithstanding Section 5093.547, prior to the
11 designation of the Mokelumne River, its tributaries, or portions
12 thereof as additions to the system, the secretary shall study and

1 submit to the Governor and the Legislature a report that analyzes
2 the suitability or unsuitability of the proposed designation. The
3 suitability analysis contained in the report shall consider all of the
4 following:

5 (1) The potential effects of the proposed designation on the
6 ability of public agencies and utilities within the Mokelumne River
7 watershed to meet current and projected future water requirements
8 through the development of new and more reliable water supplies
9 from the Mokelumne ~~River~~. *River and its tributaries*. When
10 considering projected future water requirements, the secretary shall
11 only consider feasible projects to meet foreseeable demands.

12 (2) Any effects of climate change on river values *described in*
13 *Section 5093.50 and current and projected water supply supplies*.

14 (3) *The following feasibility studies and assessments included*
15 *within the implementation plan of the Mokelumne Watershed*
16 *Interregional Sustainability Evaluation, Final Report dated June*
17 *12, 2015: 7a, 7b, 7d, and 7f. The inclusion of these studies and*
18 *assessments in this subdivision shall not be construed as an*
19 *exemption from wild and scenic designation.*

20 ~~(3)~~

21 (4) The instances when the secretary has determined pursuant
22 to Section 5093.55 that a water diversion facility may be
23 constructed on a river or segment of a river that is part of the
24 system.

25 ~~(4)~~

26 (5) The instances when the State Water Resources Control Board
27 has approved an application to appropriate water from a river or
28 a segment of a river that is part of the system and what restrictions,
29 if any, were placed on the appropriation of water as a result of the
30 river or segment of a river's inclusion in the system.

31 (b) The report shall also include the information required in
32 subdivision (b) of Section 5093.547 and the secretary's
33 recommendations and proposals with respect to the proposed
34 designation.

35 (c) The report required for the portion of the Mokelumne River
36 designated for potential addition to the system pursuant to Section
37 5093.549 shall be submitted to the Legislature and Governor no
38 later than December 31, ~~2016~~, 2017, and shall include a clear
39 recommendation ~~whether the Legislature should enact legislation~~
40 ~~to add the portion or any segment of that portion of the Mokelumne~~

1 ~~River to the system.~~ *on the suitability or nonsuitability for addition*
2 *to the system of the designated portion of the Mokelumne River or*
3 *any segment of that portion.*

4 (d) The study undertaken by the secretary pursuant to
5 subdivision (a) shall provide for public input from a broad range
6 of stakeholders.

7 (e) A report required to be submitted pursuant to subdivision
8 (a) shall be submitted in compliance with Section 9795 of the
9 Government Code.

10 (f) ~~During~~ *Until the completion of the study period and the*
11 *implementation of any recommendation to add segments to the*
12 *system, or December 31, 2021, whichever occurs first,* no dam,
13 reservoir, diversion, or other water impoundment facility may be
14 constructed on any segment designated for study by the secretary
15 as a potential addition to the system unless the secretary determines
16 that the facility is needed to supply domestic water to the residents
17 of the county or counties through which the river and segment
18 flows and the secretary determines that the facility will not
19 adversely affect the free-flowing condition and natural character
20 of the river and segment. This subdivision shall not apply to, and
21 shall not in any way affect, Amador Water Agency's water rights
22 application 5647X03 pending before the State Water Resources
23 Control Board.

24 ~~SEC. 2.~~

25 SEC. 3. Section 5093.549 is added to the Public Resources
26 Code, to read:

27 5093.549. The portion of the Mokelumne River, or any segment
28 of that portion, located ~~upstream~~ *from one-half mile downstream*
29 *of the Salt Springs 97-066 Dam to the upper extent of the Pardee*
30 *Reservoir at the elevation of not less than 580 feet above mean*
31 *sea level is hereby designated for potential addition to the system.*

32 ~~SEC. 3.~~

33 SEC. 4. Section 5093.56 of the Public Resources Code is
34 amended to read:

35 5093.56. No department or agency of the state may assist or
36 cooperate, whether by loan, grant, license, or otherwise, with any
37 department or agency of the federal, state, or local government,
38 in the planning or construction of a dam, reservoir, diversion, or
39 other water impoundment facility that could have an adverse effect

1 on the free-flowing condition and natural character of either of the
2 following:

3 (a) The rivers and segments thereof designated in Section
4 5093.54 as included in the system.

5 (b) The portion of the Mokelumne River designated in Section
6 5093.549 for study by the secretary as a potential addition to the
7 system until after the study period and implementation of any
8 recommendations have been ~~completed~~. *completed, or December*
9 *31, 2021, whichever occurs first.* This subdivision shall not apply
10 to, and shall not in any way affect, Amador Water Agency's water
11 rights application 5647X03 pending before the State Water
12 Resources Control Board.

13 ~~SEC. 4.~~

14 *SEC. 5.* Due to the unique geographical features of the
15 Mokelumne River and its tributaries, the Legislature hereby finds
16 and declares that *a special law is necessary and a general law*
17 *cannot be made applicable within the measuring meaning of*
18 *Section 16 of Article IV of the California Constitution. Therefore,*
19 ~~the special legislation contained in Section 1 of this act is~~
20 ~~necessarily applicable to the Mokelumne River and its tributaries.~~